

REMARKS

Claims 1-37 were rejected by the Examiner. Claims 1-37 are still pending. Reconsideration is respectfully requested in view of the following remarks.

Claims Rejections - 35 U.S.C. § 102

Claims 1-37 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0099578 by Eicher et al. (Eicher).

Distinct from the present application, Eicher discloses a “performance-based supply chain management system for automatic alert threshold setting based on historical data relative to a key performance indicator to be monitored for a buyer-supplier engagement.” (*See Abstract.*) More specifically, Eicher discloses “a system for monitoring business relationship health through monitoring standard business documents that are exchanged between partners and automatically extracting data that provides insight into that business relationship.” (*See Summary of the Invention*) (emphasis added). To this end, Eicher discloses “quantify[ing] the health of business relationships by calculating key performance indicators (KPI's) from the data extracted from standard business documents.” (*See id.*) (emphasis added). In addition, Eicher discloses “a system that provides a data extraction module that extracts meaningful data from business documents exchanged between supply chain partners” and “connecting terms and conditions in business agreements with KPI's [key performance indicators] to monitor performance between business partners.” (*See id.*) (emphasis added). Eicher does not disclose extracting data regarding business system infrastructure and, thus, does not disclose comparing, analyzing, or otherwise processing extracted infrastructure data.

In contrast, the claims of the instant application are directed to a system and method for extracting, analyzing and acting upon business transaction process and infrastructure data. Eicher discloses no more than a contract creation and performance system. As such, Eicher fails to anticipate, teach, disclose or suggest the invention as claimed.

In particular, Eicher fails to anticipate, teach, disclose or suggest a system for managing business system transactions and business system infrastructure, comprising, among other elements, a collection system embedded in a client system including one or more data collectors having at least one plug in for extracting business transaction process data and infrastructure data from client system components as recited in independent claim 1. Further, Eicher fails to anticipate, teach, disclose or suggest a system manager for comparing received extracted business transaction and infrastructure data with threshold values or a reasoning system for performing data analysis on the extracted business process and infrastructure data that exceed threshold values as recited in claim 1. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 1, withdraw the rejection and allow claim 1.

Claims 2-16 depend from and provide further patentable limitations to independent Claim 1. Applicants respectfully request that the Examiner reconsider the rejections to Claims 2-16, withdraw the rejections and allow Claims 2-16.

In addition, Eicher fails to anticipate, teach, disclose or suggest a method for managing business system transactions and infrastructure, comprising the steps of, among others, extracting business transaction process data and infrastructure data from client system components by a data collector and data collector plug ins; transmitting the first extracted data through a secure client connection to a communication network; and transmitting subsequently extracted data to a communication network when such subsequently extracted data differs from the first transmitted data as recited in independent claim 17. Further, Eicher fails to anticipate, teach, disclose or suggest analyzing extracted business transaction process and infrastructure data and notifying an affected user regarding such analysis, as recited in claim 17. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 17, withdraw the rejection and allow claim 17.

Claims 18-27 depend from and provide further patentable limitations to independent Claim 17. Applicants respectfully request that the Examiner reconsider the rejections to Claims 18-27, withdraw the rejections and allow Claims 18-27.

Eicher also fails to anticipate, teach, disclose or suggest a method for managing business systems transactions and infrastructure, comprising the steps of, among other things, receiving, comparing and analyzing extracted process transaction data and infrastructure data from a business system as recited in independent claim 28. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 28, withdraw the rejection and allow claim 28.

Claims 29-32 depend from and provide further patentable limitations to independent Claim 28. Applicants respectfully request that the Examiner reconsider the rejections to Claims 29-32, withdraw the rejections and allow Claims 29-32.

Eicher also fails to anticipate, teach, disclose or suggest a method for managing business systems transactions and infrastructure, comprising the step of, among others, extracting process transaction data and infrastructure data from a business system as recited in independent claim 33. As such, Applicants respectfully request that the Examiner reconsider the rejection to claim 33, withdraw the rejection and allow claim 33.

Claims 34-37 depend from and provide further patentable limitations to independent Claim 33. Applicants respectfully request that the Examiner reconsider the rejections to Claims 34-37, withdraw the rejections and allow Claims 34-37.

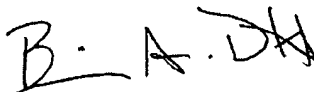
Application No. 09/681,419
Amendment dated July 18, 2005
Reply to Office Action of May 16, 2005

CONCLUSION

In light of the remarks set forth above, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may be required by this submission, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 29198.701).

Respectfully submitted,



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By: _____

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